

Senate Engrossed

State of Arizona  
Senate  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 18

## **SENATE BILL 1149**

AN ACT

AMENDING SECTION 8-701, ARIZONA REVISED STATUTES; RELATING TO THE HEALTHY FAMILIES PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-701, Arizona Revised Statutes, is amended to  
3 read:

4 8-701. Healthy families program; administration; consent;  
5 access to records

6 A. The healthy families program is established in the department of  
7 economic security. The program shall provide services to children under five  
8 years of age and members of their families that are designed to prevent child  
9 abuse or neglect and to promote child development and wellness. THE PROGRAM  
10 ALSO MAY PROVIDE THESE SERVICES TO PREGNANT WOMEN AND THEIR FAMILIES.

11 B. The department shall:

12 1. Develop standardized program eligibility criteria to be used for  
13 identifying families in greatest need of program services. ~~A person who has~~  
14 ~~a substantiated child abuse or neglect report with child protective services~~  
15 ~~pursuant to section 13-3620 is ineligible to participate in the program. The~~  
16 ~~department shall remove a person from the program if that person has a report~~  
17 ~~of child abuse or neglect substantiated by child protective services.~~

18 2. Develop the following program functions:

19 (a) Comprehensive standardized risk assessment evaluation for newborns  
20 and their families.

21 (b) A method to identify families that have the greatest need for  
22 program services. The department shall establish a method of disclosing to  
23 parents at the time of their admission to a hospital for childbirth that they  
24 may be contacted regarding program services.

25 (c) Outreach services that are conducted primarily through  
26 prescheduled home visits.

27 3. Establish methods that assist program participants to reduce  
28 illiteracy, reduce dependency on welfare, encourage employment, encourage  
29 self-sufficiency and encourage community involvement by program participants  
30 through community service, employment or participation in religious or social  
31 organizations.

32 4. Develop employment guidelines for program personnel that include  
33 background checks for those personnel who will have direct contact with  
34 pregnant women or families or who will have access to program participant  
35 records. Employment guidelines shall include skill development in child  
36 abuse and neglect detection and in the collection of relevant program data.

37 5. Track program costs.

38 ~~6. Develop a client satisfaction survey to be administered before the~~  
39 ~~fourth prescheduled home visit.~~

40 ~~7. 6. Offer parents education on prenatal care.~~

41 ~~7. OFFER PARTICIPANTS EDUCATION ON SUCCESSFUL MARRIAGE.~~

42 8. Establish guidelines for requiring program participants to engage  
43 in community service activities in exchange for benefits received from the  
44 program. Participants shall be allowed to choose from a variety of community  
45 and faith-based service providers that are under contract with the department

1 to provide community service opportunities or program services. Participants  
2 shall be allowed and encouraged to engage in community services within their  
3 own communities. Participants shall be allowed to fulfill the requirements  
4 of this paragraph by providing community services to the program from which  
5 they received services.

6 C. The goals of the healthy families program include:

- 7 1. Reducing child abuse and neglect.
- 8 2. Promoting child wellness and proper development.
- 9 3. Strengthening family relations.
- 10 4. Promoting family unity.
- 11 5. Reducing dependency on drugs and alcohol.

12 D. The healthy families program shall provide the following services  
13 to program participants:

- 14 1. Informal counseling or emotional support services.
- 15 2. Assistance in developing parenting and coping skills.
- 16 3. Education on the importance of good nutritional habits to improve  
17 the overall health of their children.
- 18 4. Education on developmental assessments so that early identification  
19 of any learning disabilities, physical handicaps or behavioral health needs  
20 are determined.
- 21 5. Education on the importance of preventative health care and the  
22 need for screening examinations such as hearing and vision.
- 23 6. Assistance and encouragement to provide age appropriate  
24 immunizations so that their children are immunized.
- 25 7. Assistance and encouragement to access comprehensive private and  
26 public preschool and other school readiness programs.
- 27 8. Assistance in applying for private and public financial assistance  
28 including employment services.
- 29 9. Assistance in accessing other applicable community and public  
30 services including employment services.

31 E. Program participants shall be provided with the Arizona children  
32 and families resource directory compiled under section 36-698 in order to  
33 help them answer questions concerning early childhood development.

34 F. Program services shall not be provided under this section unless:

- 35 1. Participation in the program is initiated in response to a request  
36 by the potential program participant.
- 37 2. A verbal explanation of the program is provided to program  
38 participants, including an explanation of the rights and responsibilities of  
39 both the participant and the program provider.
- 40 3. The written, informed consent of the program participants is  
41 received. The consent form shall include at least a clear description of the  
42 program, including the activities and information to be provided by the  
43 program during prescheduled home visits, the number of expected home visits,  
44 the right of program participants to terminate participation in the program  
45 at any time, any responsibilities of the program participants, a statement

1 that a record will be made and maintained of the home visits and may be  
2 available in future court proceedings and any other information that is  
3 necessary to convey to the program participants a clear understanding of the  
4 program.

5 G. The initial contact may be in person and at any convenient  
6 location, except that if the contact occurs at the primary residence of the  
7 potential program participant, the program personnel shall not enter the  
8 residence during the initial contact without the permission of the potential  
9 program participant.

10 H. If the potential program participant is a minor living with the  
11 minor's parent or guardian, home visits shall not be provided under this  
12 section without the additional written consent of the parent or guardian.

13 I. If any home visits are to be made by program personnel who are  
14 required to report suspected abused or neglected children pursuant to title  
15 13, chapter 36, the consent form shall also contain a clear and conspicuous  
16 statement informing parents that the home visits will be made by a person who  
17 is required to report any instances of suspected abuse or neglect of children  
18 to child protective services in the department of economic security or its  
19 successor.

20 J. Program participants ~~shall~~ have access to the records on their own  
21 family at all times and ~~shall~~ have the right to correct any inaccurate  
22 information included in the records. Records, ~~except for nonidentifiable~~  
23 ~~demographic characteristics,~~ shall be destroyed **RETAINED FOR AT LEAST** five  
24 years after the participants' last involvement in the program. Program  
25 records are not available to other government agencies or programs in the  
26 department without specific prior written consent by the program participant  
27 for the release of information in the program participant's records. Program  
28 personnel shall not wilfully include defamatory information or maliciously  
29 include derogatory information in the records. Program participants have a  
30 right of action against any program personnel for the knowing or reckless  
31 inclusion of defamatory information in the records.

32 K. This section ~~shall~~ DOES not prohibit a person from satisfying the  
33 reporting requirements of section 13-3620 or from complying with a court  
34 order to produce records.

APPROVED BY THE GOVERNOR MARCH 30, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 30, 2004.

Passed the House March 23, 20 04,

by the following vote: 50 Ayes,

0 Nays, 10 Not Voting

Jake Flake  
Speaker of the House  
Norman L. Moore  
Chief Clerk of the House

Passed the Senate February 19, 20 04,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett  
President of the Senate  
Charmine Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24th day of March, 2004

at 12:01 o'clock P. M.

Wendy Ybarra  
Secretary to the Governor

Approved this 30 day of

March, 2004,

at 4<sup>00</sup> o'clock P. M.

Jon Kyl  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30 day of March, 2004,

S.B. 1149

at 4:53 o'clock P. M.

Janice K. Brewer  
Secretary of State